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ON PAGE 14

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Turner varies from Carter on wiretaps

WASHINGTON — Despite overwhelming approval by the Senate, the Administration's proposal to ban all electronic surveillance for national security without a court order is in trouble in the House, partly thanks to candid, though highly secret, warnings from the nation's spy chiefs.

The outlook was changed by testimony behind closed doors May 10 before the House Intelligence Committee. Appearing were Adm. B. R. (Bobby) Inman, chief of the National Security Agency (which handles communications intelligence) and Adm. Stansfield Turner, director of the Central Intelligence Agency (CIA).

Under intense questioning, they departed from total support of the Administration's hard line, with Inman courageously taking the lead. The hard line imposed by President Carter would require a judicial warrant for routine intelligence gathering by electronic intercept, even against suspected foreign agents.

For example, a court warrant would be needed to intercept communications between the Soviet embassy and another Communist embassy here — or for messages from Communist delegations in the United States to their home governments. Power to authorize the warrant would be vested in a special panel of federal judges to be named by Chief Justice Warren Burger.

An avowed purpose of this new control apparatus is to protect United States citizens. But as both Inman and Turner testified, no United States citizen could possibly be touched in communications between foreign embassies over "dedicated lines" — communication facilities beyond the reach of the public.

Their testimony raises the probability that the House committee soon will vote to modify at least that part of the Administration's stringent prohibitions. House strategists trying to rewrite the new plan are led by Rep.

ROWLAND EVANS and ROBERT NOVAK

Robert McClory of Illinois, the committee's senior Republican.

McClory would like to go much further than merely permitting warrantless taps of communications solely between foreign powers. But his hopes of keeping overall wiretap authority with the President rather than the courts run into intense political fear spawned by wiretap excesses of past years. The Administration and Congress, trying to escape responsibility for permitting taps on their own, want to toss that hot potato to the courts.